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In re Application of
NEGORO, Fumio et al.
US Application No.: 09/646,098
PCT Application No.: PCT/JP99/01394
Int. Filing Date: 19 March 1999
Priority Date: 20 March 1998
Attorney's File Reference: 197411US2XPCT
For: APPARATUS FOR PRODUCING
SOFTWARE AND METHOD FOR
PRODUCING SOFTWARE

: DECISION ON
: PETITION UNDER
: 37 CFR 1.181

This decision is in response to 1) applicants' "PETITION UNDER 37 CFR 1.181", filed 31 January 2001, requesting entry of the translation, filed 20 September 2000, of the annexes to the International Preliminary Examination Report (annexes) and 2) applicants' "STATEMENT REGARDING TRANSLATION OF ANNEXES", filed 09 January 2004, asserting that the translation of the annexes is an accurate translation of the original annexes in Japanese.

BACKGROUND

On 19 March 1999, applicants filed international application number PCT/JP99/01394 claiming a priority date of 20 March 1998. On 17 September 1999, applicants filed a demand for international preliminary examination. Accordingly, the thirty-month period for paying the basic national fee in the United States of America expired at midnight on 20 September 2000.

In June of 2000, the Japanese International Preliminary Examining Authority established the International Preliminary Examination Report (IPER). The IPER was accompanied by annexes consisting of 32 sheets in the Japanese language.

On 20 September 2000, applicants filed a transmittal letter for entry into the US national stage under 35 USC 371, which was accompanied by, inter alia, a translation of the international application into English and a purported translation of the annexes.

On 25 October 2000, the US Designated/Elected Office (DO/EO/US) mailed a Notification of Acceptance (Form DO/EO/903) indicating, inter alia, that the translation of the annexes had not been entered because of missing pages.

On 31 January 2001, the applicants filed the present "PETITION UNDER 37 CFR 1.181" requesting entry of the translation of the annexes filed 20 September 2000. The applicants assert that the translation of the annexes should be entered because they were timely filed and because the pages of the translation of the annexes are exact replacement pages for the pages of the English translation of the international application filed 20 September 2000.

On 09 January 2004, the applicants filed the present "STATEMENT REGARDING TRANSLATION OF ANNEXES" asserting that the translation of the annexes, filed 20 September 2000, is an accurate translation of the original annexes in Japanese.

DISCUSSION

The numbering of the sheets of the original Japanese annexes does not directly correspond to the numbering of the translation of the annexes into English. For example, the first five pages of the original Japanese annexes are numbered 1, 2, 2/1, 3, and 3/1. However, the first five pages of the English translation of the annexes are numbered 1, 2, 3, 4, and 5. However, applicants assert that the pages of the translation of the annexes are exact replacement pages for the pages of the English translation of the international application. Further, the applicants' statement, filed 09 January 2004, asserts that translation of the annexes is an accurate translation of the original Japanese annexes. Accordingly, it is appropriate to enter the translation of the annexes filed 20 September 2000.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.181 for entry of the translation of the annexes, filed 20 September 2000, is **GRANTED**.

This application is being forwarded to the DO/EO/US for continued processing in accordance with this decision, that is, for 1) entry of the translation of the annexes filed 20 September 2000 and 2) forwarding of this application to the Technology Center for further prosecution on the merits.



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